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Attorney for JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, ITS ASSIGNS AND/OR
SUCCESSORS IN INTEREST

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

IN RE:	§	CASE NO. 13-10028-RLJ-13
	§	
SAM ELLIS STRATTON and	§	
LESLIE MARTIN STRATTON,	§	
Debtor	§	CHAPTER 13
	§	
JPMORGAN CHASE BANK,	§	
NATIONAL ASSOCIATION, ITS	§	
ASSIGNS AND/OR SUCCESSORS IN	§	
INTEREST,	§	
Movant	§	HEARING DATE: 06/04/2014
	§	
v.	§	TIME: 11:00 AM
	§	
SAM ELLIS STRATTON and	§	
LESLIE MARTIN STRATTON;	§	
WALTER O'CHESKEY, Trustee	§	
Respondents	§	JUDGE ROBERT L. JONES

**MOTION OF JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, ITS
ASSIGNS AND/OR SUCCESSORS IN INTEREST
FOR RELIEF FROM STAY OF ACTION AGAINST DEBTOR(S) PURSUANT TO 11
U.S.C. § 362(a) AND WAIVER OF THIRTY DAY REQUIREMENT PURSUANT TO
§ 362(e)**

NOTICE

**PURSUANT TO LOCAL BANKRUPTCY RULE 4001-1(b), A RESPONSE IS
REQUIRED TO THIS MOTION, OR THE ALLEGATIONS IN THE MOTION MAY
BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT
MAY BE ENTERED BY DEFAULT.**

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT 1205 TEXAS AVENUE, IN ROOM 306, LUBBOCK, TX 79401 BEFORE CLOSE OF BUSINESS ON APRIL 25, 2014, WHICH IS AT LEAST 14 DAYS FROM THE DATE OF SERVICE HEREOF. A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY AND ANY TRUSTEE OR EXAMINER APPOINTED IN THE CASE. ANY RESPONSE SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE STAY IS TO BE CONTINUED.

IF A RESPONSE IS FILED, A FINAL HEARING ON THE MOTION WILL BE HELD AT 11:00 AM ON JUNE 04, 2014, IN 3RD AND PINE, ROOM 2201, ABILENE, TX 79601-3928. THE RESPONSE MUST CONTAIN THE INFORMATION REQUIRED BY N.D. TEX. L.B.R. 4001.1 (b).

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Movant, JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST, by and through the undersigned attorney, and moves the Court as follows:

1. This Motion is brought pursuant to 11 U.S.C. §362(d) in accordance with Rule 4001 of the Bankruptcy Rules.
2. On or about February 14, 2013, Debtors (hereinafter "Debtor") filed a petition for an order of relief under Chapter 13 of the Bankruptcy Code, 11 U.S.C.
3. At the time of filing the Chapter 13 petition, Movant held a Note executed on December 22, 2006, by SAM ELLIS STRATTON and LESLIE MARTIN STRATTON in the original amount of SEVENTY-TWO THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS (\$72,500.00) with interest thereon at the rate of 6.625% per annum. A true and correct copy of the Note is attached hereto as Exhibit "A".

4. **Basis for asserting that the applicable party has the right to foreclose**
JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, ITS ASSIGNS AND/OR

SUCCESSORS IN INTEREST services the loan on the property referenced in this Motion for Relief. In the event the automatic stay in this case is modified, this case dismisses, and/or the debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, ("Noteholder").

Noteholder directly or through an agent, has possession of the promissory note. The promissory note is either made payable to Noteholder or has been duly endorsed.

5. The indebtedness is secured by a Deed of Trust dated December 22, 2006 and executed by SAM ELLIS STRATTON and LESLIE MARTIN STRATTON on real estate with all improvements known as:

LOT 3, BLOCK 7, SAYLES BOULEVARD ESTATES ADDITION TO THE CITY OF ABILENE, TAYLOR COUNTY, TEXAS, AS SHOWN BY PLAT RECORDED IN VOLUME 3, PAGE 57, PLAT RECORDS, TAYLOR COUNTY, TEXAS.

A true and correct copy of the Deed of Trust is attached hereto as Exhibit "B".

6. Debtor have failed to maintain current the post-petition payments due under the Note and are presently in arrears for 5 payments through and including the April 1, 2014 payment.

7. The outstanding indebtedness to Movant is \$65,838.30 principal plus accrued interest, late charges, attorneys fees and costs as provided in the Note and Deed of Trust.

8. In accordance with the terms of the Note and Deed of Trust, Movant would allege that it is entitled to reasonable post-petition attorneys fees, including, but not limited to, fees, if any, for the preparation and filing of a proof of claim and fees and costs for the filing of this Motion for Relief from Stay.

9. Debtor have failed to provide adequate protection to Movant which constitutes

cause to terminate the automatic stay of 11 U.S.C. §362(a).

10. By reason of the foregoing, Movant requests the Court to terminate the stay so Movant may proceed to foreclose in accordance with its Note and Deed of Trust.

11. Movant reserves the right to assert an 11 U.S.C. § 362(d)(2) Cause of Action, if appropriate, at the hearing on Movant's Motion for Relief.

12. The provision of Rule 4001 (a) (3) should be waived and Movant be permitted to immediately enforce and implement any order granting relief from the automatic stay.

WHEREFORE, Movant prays that this Court enter an order, after notice and hearing, terminating the automatic stay as to Movant; alternatively, Movant be made whole by having all post-petition payments brought current. Movant further prays that the Court waive the provision of Rule 4001 (a) (3) and that JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST be permitted to immediately enforce and implement any order granting relief from the automatic stay; that Movant be awarded its reasonable post-petition attorneys fees and expenses for this Motion; and, that Movant be granted such other and further relief as is just.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP

BY: /s/ SAMUEL DAFFIN, II

4/11/2014

SAMUEL DAFFIN, II

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ATTORNEY FOR MOVANT

CERTIFICATE OF CONFERENCE

BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP, represents the creditor on the foregoing Motion. The undersigned, an attorney, employed by BARRETT DAFFIN FRAPPIER TURNER & ENGEL, LLP, states that prior to filing the foregoing motion he/she did the following:

Debtor's Counsel and/or the Trustee failed to respond to the creditor's communication by the same time on the second business day after such communication.

NOTES: Kadra Alexander called Debtors' counsel and left a message for Michelle regarding Debtors post-petition delinquency. Michelle returned Ms. Alexander's call and indicated Debtors are opposed to the Motion.

Date of Conference Call: March 20, 2014 3:16 p.m.

BY: /s/ SAMUEL DAFFIN, II 4/11/2014
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ATTORNEY FOR MOVANT

CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2014, a true and correct copy of the foregoing Motion for Relief from Stay was served via electronic means as listed on the Court's ECF noticing system or by regular first class mail to the parties on the attached list.

Respectfully submitted,

BARRETT DAFFIN FRAPPIER
TURNER & ENGEL, LLP

/s/ SAMUEL DAFFIN, II 4/11/2014

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DEBTORS:

LESLIE MARTIN STRATTON
3565 HIGHLAND AVE
ABILENE, TX 79605

SAM ELLIS STRATTON
3565 HIGHLAND AVE
ABILENE, TX 79605

TRUSTEE:

WALTER O'CHESKEY
6308 IOLA AVENUE
LUBBOCK, TX 79424

US TRUSTEE:

1100 COMMERCE STREET
ROOM 976
DALLAS, TX 75242

DEBTOR'S ATTORNEY:

PAMELA JEAN CHANEY
402 CYPRESS, STE. 310
ABILENE, TX 79601

PARTIES IN INTEREST:

TAYLOR CO. CENTRAL APPRAISAL DISTRICT
1534 SOUTH TREADAWAY BLVD
ABILENE, TX 79601

INTERNAL REVENUE SERVICE
PO BOX 7346
PHILADELPHIA, PA 19101-7346

PARTIES REQUESTING NOTICE:

GE CAPITAL RETAIL BANK
C/O RECOVERY MANAGEMENT SYSTEMS CORPORATION
25 SE 2ND AVENUE
SUITE 1120
MIAMI, FL 33131-1605

CENTRAL APPRAISAL DISTRICT OF TAYLOR COUNTY
LEE GORDON
P.O. BOX 1269
ROUND ROCK, TX 78680